

Message Text

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ACTION NEA-16

INFO OCT-01 ISO-00 SCS-03 SCA-01 L-03 SY-04 H-03 INR-11

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 3393

AMCONSUL BOMBAY

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FOLNG SENT NEW DELHI FROM CALCUTTA DATED 21 AUG.

QUOTE: CALCUTTA 1704

E.O. 11652: N/A

TAGS: CASC, PFOR, IN

SUBJ: HARCOS/FLETCHER

1. BAIL: DEFENSE LAWYER BHOSE INFORMED US TODAY THAT BAIL PETITION WAS SUBMITTED AS PLANNED ON MONDAY, AUGUST 19. JUDGE CHOWDHURY HAS SET THE HEARING FOR AUGUST 22.

2. DISCUSSIONS WITH THE PROSECUTION HAVE CONVINCED BHOSE FOR THE FIRST TIME THAT PROSECUTION WILL NOT RPT NOT OPPOSE THE BAIL PETITION. (IT WILL BE RECALLED THAT WHEN CHIEF METROPO-LITAN MAGISTRATE SHARMA RULED IN FAVOR OF A MODIFIED BAIL, THE PROSECUTION APPEALED TO THE HIGH COURT AND GOT SHARMA'S RULING REVERSED.)

3. POSSIBLE APPEARANCE OF ACCUSED BEFORE THE JUDGE: BHOSE SAID THAT HIS PLEA TO BE PERMITTED TO PRODUCE THE ACCUSED BEFORE THE JUDGE FOR THE BAIL HEARING HAD BEEN APPROVED. THE QUESTION REMAINS WHETHER THE JAIL AUTHORITIES WILL PERMIT THEM TO LEAVE THE JAIL FOR THIS PURPOSE WHILE THEY ARE ON HUNGER STRIKE. IF PERMITTED TO APPEAR, IT WILL OFFER THE FIRST OPPORTUNITY FOR THE PRISONERS TO GIVE THEIR STORY OF

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WHAT THEY WERE REALLY UP TO.

4. BUILT-IN DELAY ON THE HORIZON: NOTE THAT THE COURTS WILL ADJORN ON OR ABOUT OCTOBER 11 FOR ONE MONTH IN CONNECTION WITH THE TRADITIONAL PUJA HOLIDAYS. THE LIKELIHOOD THAT THE TRIAL (CURRENTLY SCHEDULED TO BEGIN SEPTEMBER 9) WILL PROCEED VERY FAR BEFORE THIS LENGTHY RECESS IS SLIGHT. APPEAL OF A SINGLE RULING, E.G., THE RULING THAT THE TRIAL MUST BE IN CAMERA WOULD MORE THAN USE UP THE REMAINING TIME BEFORE THE RECESS. (DEFENSE WILL DECIDE WHETHER TO APPEAL THE IN CAMERA TRIAL RULING AFTER HAVING REVIEWED THE DETAILED CHARGES AND SUPPORTING MATERIALS.)
PICKERING UNQUOTE. MOYNIHAN

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